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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant in accordance with the programme established by Economic and Social Council resolution 1988/4

Note by the Secretary-General

1. In accordance with article 16 of the International Covenant on Economic, Social and Cultural Rights, the States parties to the Covenant undertake to submit reports on the measures they have adopted and the progress made in achieving the observance of the rights recognized therein. All reports are to be submitted to the Secretary-General, who transmits copies to the Economic and Social Council for consideration in accordance with the provisions of the Covenant. The Secretary-General also transmits to the specialized agencies copies of the reports, or any relevant parts thereof, from States parties to the Covenant which are also members of those specialized agencies, in so far as the reports relate to any matters falling within the competence of the agencies in accordance with their constitutional instruments.

2. Under article 17 of the Covenant, the States parties to the Covenant furnish their reports in accordance with a programme established by the Economic and Social Council. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the Covenant. Where relevant information has previously been furnished to the United Nations or to any specialized agency by a State party to the Covenant, it is not necessary to reproduce that information; instead a precise reference to the information furnished may be given.

GE.89-17530/4367A

3. The Committee on Economic, Social and Cultural Rights, established in accordance with Council resolution 1985/17 is entrusted by the Council with the task of monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights. In accordance with the methods of work, established in Council resolution 1979/43 and in subsequent decisions and resolutions, the Committee will consider the reports submitted by States parties in the order in which they have been received by the Secretary-General. The Committee will submit to the Council a report on its activities, including a summary of its consideration of the report submitted by States parties, and will make suggestions and recommendations of a general nature on the basis of its consideration of those reports and of the reports submitted by the specialized agencies, with a view to assisting the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant.

4. The representatives of the reporting States are entitled to be present at the meetings of the Committee when their reports are examined, to make statements on the reports submitted by their States and answer questions which may be put to them by the members of the Committee.

5. As provided for under article 17 of the Covenant, the Economic and Social Council, by resolution 1988/4 of 24 May 1988 decided to revise its earlier programme of reporting by States parties established in its resolution 1988 (LX) of 2 May 1976 and endorsed the recommendation made by the Committee on Economic, Social and Cultural Rights at its second session (E/1988/14, para. 351) that States parties be requested to submit a single initial report within two years of the entry into force of the Covenant for the State party concerned and thereafter periodic reports at five-year intervals.

6. In a note verbale dated 30 September 1988, the Secretary-General informed States parties to the Covenant of this decision.

7. Subsequently, at its third session, the Committee discussed the temporary arrangements that would be required in order to ensure a smooth transition from the old to the new periodicity arrangements with respect to the reporting obligations of each State party to the Covenant. The Committee agreed to request the Secretary-General, in consultation with the Chairman, to draw up a revised schedule for State party's reporting in accordance with the new periodicity arrangements, taking into account a number of considerations agreed upon by the Committee (see E/1989/22, para. 337).

8. As at 30 June 1989, initial reports on articles 1 to 15 of the Covenant, submitted in accordance with Council resolution 1988/4, were received from Luxembourg, Democratic Yemen and Costa Rica.

9. As at 30 June 1989, the following 30 States had not yet submitted any reports at all since their ratification of, or accession to, the Covenant: Belgium, Bolivia, Central African Republic, Congo, Dominican Republic, Egypt, El Salvador, Gabon, Gambia, Greece, Guinea, Honduras, Iceland, Kenya, Lebanon, Mali, Mauritius, Morocco, New Zealand, Niger, Saint Vincent and the Grenadines, San Marino, Solomon Islands, Sri Lanka, Sudan, Suriname, Togo, Uganda, Uruguay and Viet Nam. In accordance with the relevant decisions adopted by the Committee on Economic, Social and Cultural Rights at its third session (see E/1989/22, para. 337), the Secretary-General, in a note verbale dated

24 May 1989, informed the above-mentioned States parties that their initial reports on articles 1 to 15 of the Covenant should be submitted in one consolidated document by 30 June 1990 and their periodic reports at five-year intervals thereafter.

10. In addition, Equatorial Guinea and Guatemala acceded to the Covenant on 25 September 1987 and 19 May 1988 respectively. In a note verbale also dated 24 May 1989 the Secretary-General informed them that their initial reports on articles 1 to 15 of the Covenant are to be submitted by 30 June 1990 and their periodic reports at five-year intervals thereafter.

11. The initial reports submitted by the States parties listed in paragraphs 8, 9 and 10 above will be issued as addenda to the present document.

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Addendum

LUXEMBOURG

[26 September 1988]

1. Under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights and in accordance with the programme established by Economic and Social Council resolution 1988 (LX) and with Commission on Human Rights resolutions 4 (XXXIII), 1985/42, 1986/15, 1987/19 and 1988/22, the Government of the Grand Duchy of Luxembourg submits in the following initial report its comments on its policies for the implementation, promotion and protection of economic, social and cultural rights.

GE.89-16365/0947B

Article 6: Right to work

2. Article 6 provides that the States parties to the Covenant shall recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.

3. Article 11 of the Constitution of Luxembourg of 17 October 1868 provides that the law shall guarantee the right to work and assure to every citizen the exercise of this right. In Luxembourg the right to work is by law a fundamental freedom, embracing free choice of employment, free access to employment and freedom from discrimination.

4. The Act of 8 December 1981 on equal treatment of men and women in respect of access to employment, vocational training and promotion and in respect of working conditions and the Grand Ducal Regulation of 10 July 1974 on equal pay for men and women define the scope of the principle of equality between the sexes.

5. In the field of employment, the amended Act of 30 June 1976 establishing an employment fund and governing the payment of benefit for full unemployment provides adequate protection against joblessness. Responsibility for the implementation of employment policies falls largely to the Employment Administration pursuant to the amended Act of 21 February 1976, which defined the organization and functioning of that Administration and created a National Employment Commission.

6. The Employment Administration is responsible, inter alia, for:

(a) Monitoring the employment situation and labour market trends;

(b) Balancing labour supply and demand;

(c) Organizing the recruitment of foreign workers, placing them in employment and monitoring their working conditions in conformity with the relevant legislation;

(d) Organizing and providing vocational guidance for young people and, if necessary, for adults, with a view to promoting their smooth integration or reintegration into the world of work;

(e) Ensuring the implementation of legislation for the prevention and reduction of unemployment and the payment of unemployment benefits;

(f) Taking measures to help workers change to new occupations and employment in so far as this task comes within its purview under the relevant legislation;

(g) Arranging vocational training, re-education and integration into the work force for the handicapped;

(h) Maintaining technical relations with its foreign and international counterparts.

7. Luxembourg's legislation and the decisions of its courts guarantee employees strict protection against arbitrary dismissal.

8. The annexed document */ provides recent employment and unemployment figures for Luxembourg (source: quarterly report No. 2/87 of the Central Service for Statistics and Economic Studies (STATEC)).

Article 7: Right to just and favourable conditions of work

9. In Luxembourg a minimum wage is guaranteed by the Act of 12 March 1973 on the reform of the minimum social wage. This Act was most recently amended by an Act of 28 March 1986, which, among other things, raised the minimum social wage. The minima wages guaranteed by law are, like all other wages, indexed to the cost of living.

10. The law of 12 June 1965 on collective wage agreements establishes, inter alia, that any such agreement must provide for:

(a) Additional pay for night work;

(b) Additional pay for difficult, dangerous and unhealthy work;

(c) Measures to implement the principle of equal pay irrespective of sex;

(d) Measures to adjust remuneration to variations in the index published by the Government.

11. Mention should also be made here of the Grand Ducal Regulation of 10 July 1974 mentioned above, concerning equal pay for men and women.

12. The annexed document */ outlines the progress made in collective bargaining during the period 1 January 1987 to 16 July 1987 (source: STATEC quarterly report mentioned above).

13. Extensive legislation and regulations concerning work safety and hygiene provide workers in the Grand Duchy of Luxembourg with a high degree of protection. In some fields this legislation has been brought in line with that of other States belonging to the European Economic Community.

14. The Act of April 1974 on the reorganization of the Works and Mines Inspectorate grants it extensive power to monitor work safety and hygiene.

15. On the question of equal opportunity for promotion, the reader is referred to the texts already mentioned.

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*/ This document, submitted by the Government of Luxembourg in French, may be consulted at the United Nations Centre for Human Rights.

16. With respect to article 7, paragraph (d), Luxembourg has extremely advanced legislation on the right to rest, leisure, limitation of working hours, periodic holidays with pay and remuneration for public holidays. The implementation of this legislation does not give rise to any major problems, since these rights are fully accepted.

17. The length of working hours for office workers is governed by the Act of 12 November 1971 on the revision of the legal regulations concerning the recruitment of private employees. The situation of manual workers is governed by an Act of 21 August 1913.

18. An Act of 22 April 1966 established uniform regulations on annual paid leave for private sector employees.

19. An Act of October 1973 provides for educational leave.

20. An Act of 10 April 1976 revised the regulations concerning legal public holidays.

21. A Grand Duchy Regulation of 11 October 1977 provides for the granting of leave to take part in sports.

Article 8: Trade union rights

22. The right to freedom of trade unions is guaranteed by article 11 of the Constitution of Luxembourg. This right also constitutes a corollary of the freedom of association, which is guaranteed by article 26 of the Constitution.

23. The right of association is furthermore governed by the Act of 11 March 1936, which guarantees freedom of association in all fields. Under this law, it is considered a criminal offence to attempt to limit freedom of association by wilfully making the conclusion, performance or continuation of an agreement concerning employment subject to a worker's membership or non-membership of an association.

24. Luxembourg has ratified the Right to Organise and Collective Bargaining Convention No. 98 (1949) and the Freedom of Association and Protection of the Right to Organise Convention No. 87 (1948) of the International Labour Organisation (ILO).

25. The Act of 12 June 1965 on collective wage agreements already mentioned recognizes as a trade union organization any professional association with an internal organization whose aim is to represent its members, defend their professional interests and improve their conditions.

26. The law assigns certain specific functions to trade union organizations that are representative at the national level. Trade unions are considered representative at the national level if they have a substantial membership and are well known for their activities and independence.

27. With respect to the right to strike, a High Court decree has stressed that participation in a legitimate and lawful strike is a workers' right set forth in article 11 of the Constitution. The exercise by a worker of the right to strike and the exercise by an employer of the right of lock-out must,

however, be preceded by genuine negotiations through the National Conciliation Office, whose procedure was established by a Grand Ducal Decree of 6 October 1945. Any strike called or lock-out declared before the conciliation procedures have all been exhausted and the failure to agree has been established in an official report is considered illegal.

Article 9: Right to social security

28. Luxembourg's social legislation organizes social security for the worker by providing a very thoroughgoing and constantly evolving social insurance system, regulating assistance to the unemployed and improving the material situation of the worker's family by means of family allowances. All the measures taken are designed to reduce the need for action by the public assistance bodies created by law to give relief to the destitute.

29. Workers and employees in the private sector are compulsorily insured for sickness, accident, old age and disability to the extent and under the conditions determined by law.

30. Since the beginning of the century, many establishments for sickness, accident, old-age and disability insurance have been created by law. These include the Accident Insurance Association, the Old-Age and Disability Insurance Institution, sickness funds, the Civil Servants' and Public Employees' Pension Fund, the Local Government Officials' and Employees' Provident Fund, the Private Employees' Pension Fund, the Agricultural Workers' Sickness Fund and Pension Fund, the Independent Professions' Sickness Fund, the Tradesmen's and Manufacturers' Pension Fund, etc. All these bodies are legally regulated public establishments, having legal status and operating under the administrative supervision of the State. Government control over all the social security institutions is exercised mainly through the Inspectorate General of Social Security, established in 1974.

Sickness insurance

31. Sickness insurance is compulsory for manual workers, assistants, companions and domestic servants as well as for those in receipt of an old-age, disability or survivor's pension (Social Insurance Code, amended by the Acts of 2 May 1974 and 6 July 1976), civil servants and office workers (Act of 29 August 1951, amended by the Acts of 21 July 1966, 2 May 1974, 6 July 1976 and 27 July 1978), persons self-employed in continuous agricultural activity (Act of 13 March 1962, article 1), and persons engaged in an independent profession coming within the purview of the Chamber of Trades or the Chamber of Commerce (Act of 23 April 1979). The same applies to independent intellectual workers such as lawyers, notaries, doctors, engineers, architects and artists (Act of 23 May 1964).

32. The financial costs of insurance are mainly covered by contributions established by the statutes of the funds and by direct or indirect contributions by the State. In the case of employees, contributions are payable in equal shares by the employers and the insured persons. Contributions by persons pursuing an independent profession are established in proportion to their taxable income. They are made entirely by the insured persons.

33. The purpose of insurance is to provide relief and medical assistance in case of sickness and to allocate confinement and nursing mother's allowances and funeral grants. The medical assistance covers, in particular, medical and dental care, pharmaceutical supplies, hospital expenses and maternity grants. The statutes of the funds generally cover medical assistance to members of the insured person's family.

Old-age and disability insurance

34. The organization of the pension insurance system is in the hands of different bodies depending on whether it relates to manual workers, office workers, craftsmen, tradesmen, industrialists, farmers or independent intellectual workers. State civil servants, employees and agents have a special non-contributory system.

35. The pension insurance system is designed to provide disability and old-age pensions for the persons concerned and, where applicable, survivors' pensions for their widows and orphans. The law has established guaranteed minimum levels of pension.

36. The rate of contribution is 10 per cent of the pay or net income, according to the status of the person concerned, plus 6 per cent adjustment rate. The contributions are payable half by the employer and half by the employee, and in full by the self-employed.

Maternity benefits

37. Following a pre-natal allowance, the birth of any viable infant gives the right to a birth allowance, a post-natal allowance and a maternity grant. Payment of these allowances is made to the mother.

Family allowances

38. Monthly family allowances are payable to persons responsible for any child under 18 years of age brought up in the Grand Duchy, i.e. to the parents of legitimate, legitimized or adopted children, to the fathers and mothers of recognized natural children, to the grandparents of fatherless and motherless children, and to any person who has given a home to a child under 12 years of age for whom he is providing education and maintenance.

39. The cost of family allowances is covered by contributions by taxpayers and by a State contribution to the family allowance funds to meet the balance not covered by those contributions.

Accident insurance

40. Work accident insurance is compulsory for all manual and office workers in all industrial and craft, commercial, agricultural and forestry enterprises. It also applies to domestic servants, craftsmen, persons working on subcontract and farm owners or tenant farmers and members of their families. Compulsory insurance has been extended to civil servants and State and local government employees, teachers, assistants and pupils on technical or vocational training courses and those engaged in pre-school, school and university activities.

41. The law treats certain occupational diseases, as determined by Grand Ducal regulations, as equivalent to work accidents.

42. The financial costs of the Accident Insurance Association are covered exclusively by the employers through a premium payment proportional to the salaries earned in each enterprise, and corresponding to the coefficient of the class of risk to which the enterprise belongs.

43. The purpose of the insurance is reimbursement for any purely material damage and compensation for damages in the event of the injury or death of the insured person. It covers in particular free medical assistance and payment of a daily allowance. If incapacity for work exceeds 13 weeks, the insured person is entitled to an allowance of 80 per cent of annual average remuneration in the case of total incapacity (full allowance) and a proportional fraction of the full rent in the case of partial incapacity.

Unemployment allowances

44. Unemployment assistance was the subject of an Act of 30 June 1976 on the establishment of an unemployment fund and rules for the granting of unemployment benefits.

45. The unemployment fund is funded by special contributions by employers, by solidarity taxes levied in the form of extra income tax and by a contribution made by the local authorities.

46. The provisions of the law apply, under specific conditions, to an unemployed worker who is usually employed, to young people who, at the end of their training, have found no employment, and to self-employed workers who have to end their activities because of economic difficulties.

47. The unemployment benefit payable to the wholly unemployed is from 80 to 60 per cent of the gross salary previously earned or of the minimum wage, according to the employment régime applicable to the worker concerned.

Article 10: Protection of the family and of mother and child

48. The family enjoys protection under the highest legal authority of the country: article 11 of the Luxembourg Constitution provides that "the State guarantees the natural rights of the human being and of the family". The Luxembourg Government regards the family as the the natural and fundamental unit of society and marriage as the most favourable framework for the harmonious development of all members of the family unit.

49. Luxembourg law respects individual liberty both when the marriage is entered into and throughout its duration. A marriage to which the future spouses have not freely consented is null and void (Civil Code, article 146). The spouses manage their households and educate their children as they wish.

50. It is only in cases where spouses are seriously remiss in their duties either towards each other or towards their children that the authorities are authorized to intervene. But even in such cases intervention is directed towards the protection of the injured party rather than to the punishment of those at fault.

51. All members of the family, without distinction based on filiation or other grounds, may request the assistance of the authorities. For this reason, it is the aim of the Government to develop the widest possible range of services to help citizens in all age groups. Those services include day nurseries, day centres, children's homes, centres for the physically and mentally handicapped, foster homes for children, marriage guidance centres, shelters for the homeless, services for battered wives, consumer assistance and information for employed persons, retirement and nursing homes, meals on wheels for the elderly, home help services and a centre for the socially maladjusted.

52. The aim of government policy is to provide assistance in all cases where there is a need, while leaving everyone free to decide whether or not to apply for it.

53. It should be stated that private initiative is responsible for most of the services available, since the State intervenes only to provide financial support or to fill gaps.

54. In the specific case of working mothers, mention should be made of the Act of 31 July 1975 which applies to all women bound by employment or apprenticeship contracts. Article 3 of that Act provides that during eight weeks preceding the expected date of birth, as shown by a medical certificate, a pregnant woman may not be required to work unless she has been expressly declared fit. During the medically certified period of pregnancy, a woman may not be discharged. Furthermore, the Act protects pregnant women against the performance of certain work which is regarded as arduous. Pregnant women and nursing mothers are prohibited by law from working overtime.

55. Furthermore, the Act guarantees paid pre-natal and post-natal leave, covering the eight weeks preceding and following childbirth. Post-natal leave may be extended to 12 weeks in cases of premature or multiple births and for nursing mothers.

Article 11: Right to an adequate standard of living

56. Since 1897, the central Government has provided financial assistance for the very poor. Previously, the local authorities were solely responsible for such assistance. Since then, many kinds of assistance have been introduced, such as supplementary benefit, a cost-of-living allowance and a heating allowance. The main innovation introduced by the Government has been recognition of the right to a guaranteed minimum income.

57. An Act of 26 July 1986 recognizes the right of everyone, subject to certain conditions, to enjoy a certain level of resources. The guaranteed minimum income for a single person is three quarters of the minimum legal wage for an unskilled worker. In practice, when a person's resources are less than those guaranteed by the new Act, the State makes up the difference. The guaranteed minimum income should enable everyone to have an adequate standard of living, the social security system being empowered to intervene in exceptional circumstances.

58. Housing is generally the most expensive item in the budget and the State intervenes both by helping people purchase housing and by making low-rent accommodation available for the very poor. The Government has already increased its financial assistance for house purchase on several occasions and has implemented social housing programmes. It intends to continue on these lines.

59. Luxembourg legislation on rent levels provides tenants with effective protection through a system whereby the current rent is automatically prolonged and by establishing a ceiling for rents proportional to the capital value of the building concerned.

Article 12: Right to physical and mental health

60. Provision for reducing the stillbirth rate and infant mortality and ensuring the healthy development of the child takes the form of regular check-ups for pregnant women and children up to the age of two, in accordance with the Act of 20 June 1977 on the introduction of regular check-ups for pregnant women and infants (Mémorial A 1977, p. 1284), amended by the Act of 28 March 1978 (Mémorial A 1978, p. 225) and the Act of 9 August 1980 (Mémorial A 1980, p. 1395). Similar check-ups for children between the ages of 2 and 4 were introduced by the Act of 15 May 1984 on the introduction of regular medical examinations for children between the ages of 2 and 4 (Mémorial A 1984, p. 657).

61. With regard to the improvement of all aspects of environmental and industrial hygiene, reference should be made to the following legislation:

(a) Act of 21 June 1976 relating to anti-air pollution measures (Mémorial A 1976, p. 605);

(b) Act of 21 June 1976 relating to anti-noise measures (Mémorial A 1976, p. 607);

(c) Act of 27 June 1906 on the protection of public health (Mémorial A 1906, p. 645), amended by the Act of 14 February 1977 (Mémorial A 1977, p. 339). This legislation deals with water pollution;

(d) Act of 16 April 1979 establishing the list and the classification of dangerous establishments.

62. With regard to the prevention and treatment of occupational diseases, mention may be made of a bill on occupational medicine.

63. Endemic and epidemic diseases are not matters of major concern in Luxembourg.

64. Medical attention is provided for everyone by the doctors practising in Luxembourg. Since most of the population are insured under the social security system, such attention is free of charge except for a very small percentage which is left for the patient to pay.

Article 13: Right to education

65. Education in Luxembourg is centralized in the sense that the State regulates in detail everything relating to education, determining how it is organized and what is taught and arranging the training of pre-school and primary-school teachers. The State exercises the right to inspect all education, including private education. The Minister of National Education is responsible for seeing that pupils are taught in the way prescribed by the legislation and regulations. The education authorities that is, the local authorities, are responsible for organizing the establishment and functioning of schools and the appointment of staff. Their decisions must be approved by the competent Ministry, which is the Ministry of National Education. It should be stressed that the policy followed by the Ministry in educational matters is determined after consultation and in collaboration with the parties concerned.

66. Two thirds of the funds for schools in general are provided by the State and the remainder by the local authorities. State schools represent 90 per cent of the total. The existing private schools are financed on the same basis as State schools and teach the compulsory subjects specified by the Ministry of Education. Civics, instruction in religion or secular ethics, art, music and sports are compulsory subjects in the curriculum of both State and private schools.

General principles of the organization of the Luxembourg educational system

Pre-school education

(Act of 5 August 1963)

67. Children between the ages of four and six can attend kindergartens, the cost of pre-school education being borne mainly by the local authorities or private organizations. Two thirds of the salaries of pre-school teachers are found from the national budget. Pre-school education is free at public kindergartens.

Primary education

68. Any child who has reached the age of six before 1 September is required to attend school education for a period of nine consecutive years (Act of 5 August 1963, as amended by the Act of 21 March 1979).

69. Chidren enter primary education proper if they have reached the age of 6 by 1 September of the year in question and leave at the age of 12. After six years of primary education they can go on to secondary or technical secondary education.

70. In supplementary education (enseignement complémentaire), the age of entry is 12 years and the leaving age 15. The seventh, eighth and ninth years of school constitute the supplementary course cycle, entitling the pupil to enter other kinds of post-primary education or to receive a certificate of completion of supplementary education.

Education in special classes

71. Education in special classes is available for children who, as a result of their mental, behavioural or sensorial characteristics, cannot receive instruction within the normal educational framework.

72. This form of education is provided at institutes and boarding schools, by the State, by some local authorities or by private organizations, under the supervision of the State, and in particular of the Special Education Service of the Ministry of National Education. The age range for such courses is from 3 to 15 years, with the possibility of extension. Children who are educationally backward attend special classes within the framework of normal primary education.

73. Special education centres and institutes cater for children and adolescents with special academic, educational and vocational needs and are equipped with specific resources to do so. The final aim is to integrate the children into society.

Secondary education

74. The current system of secondary education was established by the Act of 10 May 1968 on the reform of education, under title VI, "Secondary education", as amended by the Act of 13 April 1979. Secondary education comprises a seven-year course of study, the aim being to prepare pupils for advanced studies at the university level. The educational system and curricula are identical for boys and girls and the secondary schools are co-educational.

75. Admission to secondary education is possible after completion of the sixth year of primary school, subject to a successful result in the entry examination.

76. The seven years of secondary education are broken down into two divisions: (a) a lower division lasting three years, consisting of the orientation class (class 7) together with classes 6 and 5; (b) a higher division lasting four years, consisting of classes 4, 3, 2, and 1.

77. The completion of secondary education is marked by a final examination and a final certificate is awarded which gives access to university studies.

Technical secondary education

78. Technical secondary education is provided at technical schools and consists of three cycles: the observation and orientation cycle (classes 7 to 9), the middle cycle and the higher cycle.

79. Depending on their results, pupils in class 9 are placed in a technical stream or a vocational stream. The middle cycle consists of two years (classes 10 and 11), or three years including class 12 (practical work), at the end of which a certificate of technical and vocational proficiency is awarded.

80. The higher cycle consists of two additional years, with a choice between the administrative divisions (management or secretarial), the teaching division, or training as a technician. Students awarded a technician's diploma may be admitted to the Higher Institute of Technology.

Higher education

81. The University Centre of Luxembourg, established in 1968, provides first-year university education, tied in with the syllabuses of universities in neighbouring countries, thus enabling students to undertake their second year's study in a foreign country, for example, in a faculty of law in Belgium or France. This also applies to the natural sciences and humanities.

82. The Higher Institute of Technology, set up in 1979, provides a three-year training course for engineers in various fields of engineering.

83. The European Data-Processing Management Institute is responsible for post-university training, including scientific research.

84. The Higher Institute of Educational Studies and Research (ISERP) provides teacher training in conjunction with the University Centre. This course lasts three years. Four conditions have to be met to obtain admission: the applicant must hold a Luxembourg secondary education certificate or foreign equivalent must be trilingual and must not be over the age of 35.

85. The Training Institute for Educators and Instructors is responsible for training staff for the special education system.

86. The Act of 8 December 1977 introduced a system of financial grants for higher education, to enable young people to undertake their desired course of study irrespective of their or their parents' economic situation and without imposing a system of State control.

Article 14: Principle of compulsory free education for all

87. Luxembourg requires all children who have reached the age of five to attend one year's compulsory schooling in a pre-primary school. The Act introducing this pre-primary year's schooling specifically stipulates that pre-primary education may not include formal classes.

88. Compulsory schooling in the normal sense extends over a period of nine years. Children are admitted to primary education from the age of six, leaving six years later. On completion of primary education, pupils are directed, depending on their abilities and interests, into supplementary classes, secondary education, vocational training or technical secondary education. The minimum duration of this post-primary education period is three years of compulsory courses, so that by the age of 15 children have in general completed their compulsory schooling period.

89. The education provided at teaching establishments in Luxembourg is free.

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Addendum

DEMOCRATIC YEMEN

[10 January 1989]

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1. Since the attainment of independence, the People's Democratic Republic of Yemen has cherished the human person as its most valuable resource and the ultimate aim of all the achievements and progress that have been made in all economic, social and cultural fields has been to promote the advancement and improve the situation of its citizens.

2. The ratification of the International Covenant on Economic, Social and Cultural Rights by the People's Democratic Republic of Yemen was an expression of the Republic's desire further to enhance those achievements and to acquaint the international community with them.

The right to work

3. The Constitution guarantees and safeguards the right to work. In fact, it is regarded as both a right and a duty of every able-bodied citizen to engage in work that accords with his abilities and qualifications and the public interest. Wages are determined in the light of the quantity and type of work. The State guarantees this right by developing the economy, increasing the national income, providing democratic working conditions, ensuring the ongoing development of the productive forces, raising the level of professional skills and expanding the scope of vocational training and education.

4. The Basic Labour Law stipulates that work is a natural right to which every citizen is entitled, as well as a duty incumbent on every person capable thereof, on a basis of equitable conditions and equal opportunities without any discrimination on grounds of sex, age, race, colour, creed or language.

5. The right of the citizens of the Republic to employment and a wage commensurate with the quantity and type of their work, as well as their right to choose their profession, occupation or type of work in accordance with their aptitudes, capabilities, training and education, with due regard for the needs of the community, are guaranteed by the economic system and by the ongoing development of the productive forces, the enhancement of skills and the provision of training in new professions and occupations.

6. Workers exercise their right to work by signing a contract of employment. They are entitled to rest, leisure and annual holidays with pay, in accordance with the law. They also have the right to enjoy safe and healthy working conditions, to form trade unions and to receive material assistance, in the event of old age, sickness or total or partial disability, at State expense through the social insurance scheme.

7. The labour legislation comprises legal safeguards in regard to the right of citizens to work. It guarantees the continuity of contracts of employment and prohibits the dismissal of a worker by the management on grounds other than those prescribed by law and without the participation of the trade-union committee.

8. The State attaches importance to the training of workers with a view to helping them to acquire theoretical, practical and managerial skills and know-how and enhancing their productive capabilities, thereby promoting the

achievement of the desired economic development and progress. Training plays an important role in the life of the worker, in so far as it constitutes an essential requirement for economic development and an appropriate instrument for the enhancement of productivity.

9. The Labour Law defines the wage structure for various jobs and occupations in accordance with the quantity and type of work and in a manner consistent with the principles of job classification and evaluation. Due regard is also paid to the nature of the work, the duties and responsibilities involved and the qualifications, experience and skills needed to perform the work. Full consideration is also given to the importance of the work, the role that it plays in the development of the national economy and the furtherance of the public interest in regard to working conditions and the fruits of labour.

10. The Ministry promulgates wage schedules in accordance with the State's general policy on wages and in a manner consistent with its economic responsibilities and the country's standard of living.

11. The Basic Labour Law defines the method for the calculation of wages and additional remuneration in respect of overtime at the legally stipulated rates.

Rest, leisure and fixed working hours

12. With regard to the worker's right to rest, article 38 of the Constitution stipulates that:

> "The worker has a right to rest. The State shall guarantee this right through the legal regulation of working hours, as well as weekly and annual holidays with pay.
>
> The State shall endeavour to create conditions conducive to the worker's enjoyment of the right to rest by establishing and expanding public recreation facilities and worker's leisure centres and encouraging popular organizations to play a greater role in this respect."

13. The Basic Labour Law stipulates that official working hours must not exceed 8 hours per day, or 46 hours per week spread over 6 working days followed by a day of rest with full pay. In the case of some occupations, jobs and industries in which working conditions are arduous or hazardous, working hours may be fixed in consultation with the bodies concerned.

Safe and healthy working conditions

14. Government agencies and institutions attach special importance to safe and healthy working conditions, which they are constantly endeavouring to improve. In this respect, the trade unions play a decisive role through the monitoring and supervisory functions that they exercise.

15. Installations are subject to control and inspection, with the collaboration of the Ministry of Health which monitors the application of the rules and procedures concerning occupational safety and health and submits the

requisite reports to the Trade Union Federation, the Ministry and other bodies concerned. Each installation must provide a healthy environment for the worker and must protect his health and safety by ensuring that he is not exposed to occupational injuries or diseases. No new installation can be established or put into operation without a permit issued by the authorities responsible for occupational safety and health. This permit is also endorsed by the Trade Union Federation, provided that it meets all the occupational safety and health requirements.

16. In addition to providing a healthy working environment, the installation must have facilities in which its workers can be medically examined at any time. All installations employing labour also have occupational safety and health committees, which establish rules and procedures in this respect.

17. The Council of Ministers has promulgated Decree No. 9 of 1988, which provides for the establishment of a Higher Committee on Occupational Safety and Health. This Committee may form sub-committees on occupational safety and health in the governorates. The Committee's functions are as follows:

(a) Supervision of the implementation of the policy formulated by the Labour Council in regard to occupational safety and health;

(b) Discussion and adoption of the annual plan of action, prior to its submission to the Labour Council;

(c) Determination of the basic occupational safety and health requirements that must be met in regard to machinery, equipment and the establishment of installations and places of work;

(d) Submission to the Labour Council of proposals concerning the development of legislation relating to occupational safety and health;

(e) Encouragement of the persons concerned to undertake studies and research in the field of occupational safety and health;

(f) Co-ordination with government agencies with a view to making occupational safety and health a subject to be studied as part of the academic syllabus at various educational levels;

(g) Study of means by which workers can co-operate in regard to occupational safety instructions;

(h) Study of means to ensure that employers co-operate in regard to the application of safety procedures at places of work;

(i) Consideration of applications submitted by government agencies and employers for the establishment, modernization or expansion of industrial installations, and expressing an appropriate opinion thereon to the authorities concerned;

(j) Study of various ways in which employers commit violations of the laws and legislation concerning occupational safety and health, and submission of guidelines in this respect to the Minister of Labour and the Civil Service.

Trade unions

18. The State guarantees the right of association, including the right to join popular organizations, such as the national Trade Union Federation, that are pursuing the objectives set forth in the Constitution, article 64 of which stipulates that:

> "The trade unions are structured organizations which regulate the activity of workers and employees, protect their interests and help to further the national democratic revolution by mobilizing their members for the purpose of implementing socio-economic development plans, raising the political, vocational and technical training level of workers and employees and strengthening the alliance between industrial and agricultural workers."

19. Act No. 24 of 1981 defines the rights and duties of the trade-union committees in all government agencies and institutions, as well as in the co-operative, mixed and private sectors. Article 2 of the Act states that:

> "The trade-union committees shall be empowered to take independent decisions concerning their internal procedures and their activities in the institutions concerned and shall enjoy free disposal of their resources.
>
> The trade unions shall help to organize the participation of the workers in production management and the supervision of employment and production planning. They shall exercise popular control over the working and living conditions of workers and shall participate in the implementation of labour and social security legislation, the fixing of wages and the development of forms of material and moral incentives. All the trade unions shall be affiliated to the Trade Union Federation of the People's Democratic Republic of Yemen, within the framework of which they shall co-ordinate the endeavours of workers to exercise their rights as set forth in the Constitution. Workers have the right to form their own organizations, to join such organizations voluntarily and to form a federation thereof, without prior permission, in accordance with the rules that they establish and adopt for themselves. They are not obliged to register with government agencies (Basic Labour Law, art. 93 (a))."

20. Under article 93 (b) of the Basic Labour Law, trade unions have the right to operate freely, without any hindrance, in accordance with the rules and regulations. Under article 93 (c), they are entitled to call a general strike.

21. The trade unions help to settle disputes arising between employers and employees. If they are unable to settle the dispute in an amicable manner, they submit reports to the Board of Arbitration, on which they have a representative.

22. The trade unions explain the implications of legislation to workers and employees, since better knowledge of the law enables them to exercise their rights more fully.

Social security

23. Nationals of the People's Democratic Republic of Yemen enjoy the right to subsistence in the event of old age, sickness, total or partial disability or loss of their source of support. This right is guaranteed through the workers' social insurance scheme.

24. The provisions of the Social Security Act No. 1 of 1980 apply to the following sectors:

(a) The Civil Service and the governmental and public sectors;

(b) The Party and popular organizations sector;

(c) The mixed labour sector;

(d) The private labour sector;

(e) Any labour sector in foreign institutions;

(f) Nationals of Democratic Yemen working for Arab or foreign bodies outside the Republic.

25. An important form of social security is the provision of a retirement pension for workers. The Act defines the circumstances in which a retirement pension is payable and chapter III thereof details the social security entitlements. Chapter V stipulates that the pension shall amount to 100 per cent of the basic wage in the event of total disablement or death resulting from an occupational accident, or a minimum of 50 per cent of the basic wage in the event of invalidity or death from natural causes, depending on the actual period of service, in addition to the amounts of compensation paid by the insurance company. The Act also makes provision for social security for children on the death of their bread-winner, thereby indicating the high degree of importance that is attached to the welfare and protection of children.

Education

26. Article 41 of the Constitution stipulates that:

> "All citizens have a right to education. The State shall safeguard this right through the enhancement of educational opportunities for the people as a whole and through its plans to expand and develop schools, institutes, universities and cultural and educational institutions. Education shall be free of charge. The State shall accord special attention to technical and vocational education and to those persons who have previously been deprived of education by reason of their social circumstances. The State shall endeavour to eradicate illiteracy completely as soon as possible and shall encourage those liberated from illiteracy to continue their education."

27. The country's education system covers all academic levels, with a view to the achievement of the general objectives of education. The aim of the national democratic education system is to provide the rising generation with the attributes needed to build Yemeni society.

28. Concerted educational endeavours are being made to train a generation that will be dedicated to serving the public interest in the single Yemeni homeland. The State shall endeavour to provide opportunities for the rising generation to develop and enhance its knowledge at all stages by eliminating all discrimination in education, paying special attention to the needs of population groups suffering from social backwardness and providing adequate opportunities for rural areas to attain an educational level commensurate with that enjoyed in urban areas. The education system is structured as follows:

(a) Kindergartens - the pre-school stage, from four to six years;

(b) Primary school - eight years;

(c) Vocational institutes - two years;

(d) Secondary schools - four years;

(e) Technical institutes - five years;

(f) Various branches of higher education - from two to four years.

29. Aden University was established under the terms of Act No. 22 of 1975 with a view to educating young Yemenites and enabling them to contribute to the building of the new society.

30. The Act guarantees equal rights for all persons wishing to enrol for university education at any of the colleges at Aden. The basic criterion is the degree of success achieved in the examinations on completion of the secondary level of general education.

31. The Adult Education and Eradication of Illiteracy Act No. 32 of 1973 stipulates that it is a national and political duty to educate illiterate citizens and raise their cultural, social, political and vocational levels. Responsibility for the fulfilment of this duty is borne by the Ministry of Education, all the other ministries, Party and popular organizations, institutions, co-operatives, employers and individual intellectuals.

32. The statistics indicate that 10,000 children are studying at kindergartens, while the number of students of both sexes amounts to 810,839 at the primary schools, 31,530 at the secondary schools and 5,108 at the higher educational level.

33. The aim of the Five-Year Plan for 1986-1990 is gradually to expand school buildings in a manner consistent with the requirements inherent in the annual increase in the intake of students at all educational levels, particularly in areas with a high population density. The Third Five-Year Plan set a target of construction and equipment of 502 additional class-rooms in existing primary schools and construction of 18 additional class-rooms in secondary schools. More schools will also be built in all the governorates of the Republic during the period covered by the Plan.

The right to an adequate standard of living

34. In accordance with the provisions of the Constitution, the continuous improvement of the standard of material well-being of citizens and the enhancement of their cultural and educational level constitutes one of the most important objectives that the State is pursuing through its endeavours to regulate and strengthen the national economy. In general, the right to an adequate standard of living is realized through an improvement in labour productivity which, in turn, is achieved through the work of the people, which constitutes the kingpin in the development of the national economy. Article 22 of the Constitution stipulates that:

> "The work of the people in the People's Democratic Republic of Yemen constitutes the kingpin in the development of the national economy, the growth of communal wealth and the promotion of the material and spiritual welfare of the new Yemeni citizen."

35. Within the context of the development of the national economy, endeavours are being made to achieve the basic aim of a continuous improvement in the well-being of the population as a whole, and economic growth constitutes the material basis for an increase in income and consumption.

36. The improvement of the standard of living of citizens is not merely a goal; it constitutes one of the most important requirements for economic growth and development. The wise policy that the Government has pursued in recent years has resulted in noteworthy improvements in the living conditions of the population.

The family, mothers and children

37. In accordance with the provisions of the Constitution, the State undertakes to protect the family. Article 16 of the Constitution stipulates that:

> "The State shall strengthen the family, protect mothers and children and take the political, economic, social and cultural measures needed to ensure the proper formation of the family so that it can fulfil its functions."

38. Under article 23 of the Constitution, family relations are regulated by law on a basis of equality between men and women in regard to their rights and obligations.

39. The first Family Act No. 1 of 1974 expressed the determination of the Party and the State to care for families and to establish new social relations, the development of which would be governed by the historical factors that affect the evolution of societies.

40. Article 2 of the Act, which embodies the principle of equality between men and women in regard to the rights and obligations set forth in the Constitution, stipulates that:

> "Marriage is a contract between a man and a woman, concluded on a basis of equality of fundamental rights and obligations and mutual understanding and respect. Its purpose is the creation of a close-knit family, which is the foundation-stone of society."

41. Marriage is a contract concluded between the two parties concerned, with their full and due consent. It must not be vitiated by any defects such as coercion, deception or errors. To be valid, a contract of marriage must be concluded in the presence of an official registrar. The document and marriage register must be signed by both spouses. To enter into a contract of marriage, a man must be at least 18 and a woman at least 16 years of age.

42. Under article 9 of Act No. 1 of 1974, a marriage cannot be contracted if there is an age difference of more than 20 years, unless the woman has reached the age of 35. Marriage to a second wife is not allowed without permission in writing from the competent Court of Summary Jurisdiction, which is empowered to grant such permission only if it has ascertained one of the following facts:

(a) The wife's barrenness, as certified in a medical report, provided that the husband was not aware thereof before the marriage;

(b) The wife's affliction with an incurable chronic or contagious disease, as certified in a medical report.

Protection of mothers and children

43. Chapter III of the Penal Code (Act No. 3 of 1976) deals with offences committed against the family and young persons. Article 165 of the Act, entitled "Corruption of young persons", stipulates that any adult who exerts a corrupting influence on the upbringing of a young person or juvenile under 16 years of age in such a way as to encourage the young person or juvenile to lead a dissolute life or become addicted to alcohol, narcotics or kat, or in such a way as to induce him to commit acts that constitute offences, provided that the said acts are not committed, shall be brought before a judicial body concerned with social affairs and shall be punished by a reprimand, a fine of up to 50 dinars with a suspended prison sentence, or imprisonment for a period of up to one year.

44. Under article 163, concerning the abandonment of young persons, the father, mother or guardian of a young person under 11 years of age who leaves the said young person in any place with a view to final abandonment is liable to a reprimand, a suspended prison sentence, compulsory enrolment in a public project for a period of up to one year or imprisonment for a period of up to three years.

45. Article 167 of the Act, concerning the sexual abuse of young persons, reads as follows:

> "Anyone who sexually assaults a person under 16 years of age shall be punished by imprisonment for a period of not less than three years. The penalty shall be imprisonment for a period of not less than five years if the offence is committed jointly by a number of persons, if the act results in serious bodily injury through an unintentional mistake, if the perpetrator has previously committed or been convicted of similar acts or if the offender was one of the persons responsible for the supervision, protection, upbringing, tutelage or treatment of the victim.

The penalty shall be imprisonment for a period of not less than five years, or the death sentence, if the act leads to the death or suicide of the victim.

The Constitution guarantees increasing legal protection for mothers and children. In keeping with the principles set forth in the Constitution, the Labour Act No. 14 of 1978 regulates the protection of working women and the Social Security Act No. 1 of 1980 regulates the enjoyment of social security benefits."

46. The Labour Act shows great concern for the protection of pregnant women and mothers. With regard to pre-natal care, the Basic Labour Law stipulates that pregnant women and mothers must not be deprived of their employment on grounds of their pregnancy or motherhood.

47. Under article 39 (d) of the Basic Labour Law, the working hours of women must not exceed six hours if they are in their sixth month of pregnancy, or seven hours during the first six months of breast-feeding. Pregnant workers are also entitled to maternity leave on full pay for a period of 60 days, at least 50 of which must be taken after their delivery.

48. In addition to the above-mentioned leave, pregnant workers are also allowed 20 extra days in the following circumstances:

(a) If they had a difficult delivery;

(b) If they gave birth to twins;

(c) If they were punctual and diligent in their work throughout the period of their pregnancy until the last month before delivery.

49. It is prohibited to employ women in heavy industrial or other forms of work that are harmful from the health or social standpoints, in order to protect working women and provide them with facilities for relaxation (Labour Act, art. 82). To ensure their protection, women are provided with assistance in the form of health services and pre-natal care so that they can bear healthy children and with a view to promoting family welfare. Pregnant women are examined at pre-natal clinics where the doctor, assisted by nurses, gives them advice. Considerable concern is also shown for the welfare of pregnant women at production facilities and other places of work.

50. The State provides kindergartens for children under six years of age in order to help working women by caring for their children during working hours. The functions of these kindergartens include the upbringing and care of children, catering for all aspects of their welfare, providing them with facilities for recreation and furthering their sound physical, intellectual, psychological and social development. There are currently 33 kindergartens and numerous mother and child care centres in various parts of the Republic to cater for the welfare of children.

The employment of young persons

51. The law prohibits the employment of young males and females under 16 years of age, except in the following circumstances:

(a) If the young person has completed the stage of primary education;

(b) By special decision of the Minister of Labour, after the consideration of each individual case in the light of a social worker's report, in order to ensure the protection and education of young males and females, with due regard for the special social circumstances of the persons concerned and their families.

The right to the enjoyment of physical and mental health

52. Article 41 of the Constitution guarantees the right to health care:

> "All citizens have a right to health care. The State shall guarantee this right through the provision of health services in all parts of the Republic and through its plans to create and preserve a healthy environment, provide preventive health services, promote occupational safety and health and develop various types of hospitals, health institutions and people's clinics."

53. The State attaches importance to the development of medical services and the dissemination of health awareness among citizens, with the effective collaboration of popular organizations. The State also shows great concern for child health and has assumed a heavy responsibility in regard to the provision of health services. It has undertaken to meet the requirements of public health care and development planning.

54. The Constitution stipulates that, within the context of preventive and therapeutic health services, citizens have the right to free medical care and treatment, including hospitalization, mother and child care and ambulance services.

55. Preventive and therapeutic health services are available to all citizens, regardless of their age, place of residence or social status. Accordingly, new hospitals have been built in the various governorates and improvements have been made in the specialist care available to out-patients through medical consultations with specialists at clinics. In 1986, there were 59 hospitals and 19 medical centres. There were 168 beds for each 10,000 of the population. There were also 492 doctors and 158 medical specialists, the number of doctors amounting to 2.8 for each 10,000 of the population.

56. A country-wide vaccination campaign is under way to eradicate the six principal diseases that afflict children (tetanus, diphtheria, measles, tuberculosis, infantile paralysis and whooping cough). The Council of Ministers has instructed the authorities concerned to undertake the country-wide child vaccination campaign throughout the Republic and all health clinics and cultural centres in the principal towns have been opened to ensure that every child is vaccinated.

57. As a result of the efficient health services, the steps taken to combat epidemics, the rising standard of living and the constant improvement in health and social conditions, the situation in regard to epidemics has been satisfactory in recent years and there has been a notable decline in the number of persons suffering from contagious diseases. In this respect, the State is showing special concern for child health and is providing the preventive medical requirements needed to ensure protection against contagious diseases. There has also been a noteworthy decline in the rate of child mortality due to the dissemination of health awareness among families and all sections of the population.

58. Accordingly, the People's Democratic Republic of Yemen is fulfilling its obligations in regard to human rights, particularly those set forth in the International Covenant on Economic, Social and Cultural Rights, as can be seen from the country's Constitution and the national laws and legislation in force. All the achievements in this respect constitute major steps towards the enhancement of the lives of citizens and the provision of all that is needed to enable them to live and work in freedom, happiness and prosperity so that they can accomplish the tasks assigned to them and build a united Yemen. The future will certainly witness even greater accomplishments and achievements for the benefit of Yemeni citizens.